



Portugal

Country Reports on Human Rights Practices - [2000](#)

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The Portuguese Republic is a constitutional democracy with a President, a Prime Minister, a Parliament freely elected by secret ballot in multiparty elections, and an independent judiciary.

Internal security is primarily the responsibility of the Ministries of Justice and Internal Administration. Security forces are controlled by, and responsive to, the Government. They occasionally committed human rights abuses.

Portugal has a market-based economy. The service sector (with tourism playing a prominent role) is the leading source of employment, while employment in agriculture and industry continues to be static or decline. Manufacturing provides about 35 percent of total economic output. The principal exports are textiles, machinery, and vehicles. The standard of living has increased: per capita gross domestic product is approximately \$10,000 (2.15 million escudos).

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. Credible reports continued that security personnel occasionally beat detainees. Prison conditions remained poor but improved somewhat. There were lengthy delays in holding trials. Violence against women and trafficking in women are problems, as are discrimination and violence against Roma, minorities, and immigrants. The Government is taking active steps to deal with the problem of child labor.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings.

In a widely reported January incident in Porto, Alvaro Rosa Cardoso, a member of the Roma community, died from internal abdominal bleeding after a violent encounter with police. The officers had been called to the scene of a local disturbance. The two officers alleged to be responsible were charged, but in August a court found the officers not guilty since it could not be determined whether the internal bleeding was due to the fight before the arrest or the alleged police mistreatment afterwards. Cardoso's family continued to blame the death on police mistreatment.

A similar event happened on the same day in another part of the city in which Paulo Silva died of internal bleeding which may have come about during an arrest for drug use. This case was reopened in October and was pending at year's end.

An inmate was reported to have died as a result of beatings by prison guards in Vale de Judeus in 1997; however, the Ministry of Justice later determined that the inmate committed suicide.

No one was ever charged or disciplined in the case of the death of Olivio Almada, whose body was found in 1996. He was last seen in the company of three police officers.

Three PSP officers were convicted on criminal charges related to the death in custody in 1996 of Carlos Areujo. The officers appealed the verdict, and their case remained in the appeals process at year's end. Disciplinary proceedings against the officers were deferred until after the criminal case is resolved.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture, inhuman or degrading treatment or punishment, and the use of evidence obtained under torture in criminal proceedings; however, credible but infrequent reports continued that police and prison guards beat and otherwise abused detainees, particularly non-Europeans.

In an attempt to respond to past negative reports on the treatment of detainees and to consolidate alleged improvements in the system, new legislation entitled "Regulations on the Material Conditions of Detention in Police Establishments" was adopted in May 1999. The law provides detailed guidelines covering all aspects of arrest and custody.

According to the nongovernmental organization (NGO) Amnesty International (AI), a National Republican Guard (GNR) infantry sergeant reported in August 1999 that in spite of the new regulations, the mistreatment of detainees was "virtually systematic." In November 1999, the General Inspectorate of Internal Administration (IGAI) opened an inquiry into the sergeant's allegations and began disciplinary proceedings against him personally, on unrelated charges. However, the IGAI stated that these proceedings were not in response to the allegations he made.

AI also brought to light the alleged mistreatment of Jorge Manuel da Conceicao Simoes. He was arrested in May 1999 on suspicion of possessing drugs and allegedly was beaten when he refused to sign a confession. In a September 1999 Madeira incident, also reported by AI, Marco Fernandes claimed to have been beaten by police with a pipe and a police radio. Judicial and disciplinary proceedings were opened and remained pending at year's end.

A police officer who used electroshock torture in Sintra in 1999 was fired from the force. A civil case against him was ongoing at year's end. Police were disciplined for misconduct during a January 1999 street festival in Lisbon.

In late 1997, two police officers were accused of having violated sexually a female drug addict in 1994. The supervisors of the officers initially delayed the opening of an investigation, but in December 1997 the divisional commander in Lisbon suspended the officers and ordered an investigation. The officers subsequently were fired and jailed, according to the Inspector General's office.

In April AI released a report covering the last 6 months of 1998, which noted the mistreatment of prisoners and excessive use of force by the police. In September 1997, Marcelino Soares, a 17-year-old inmate at the Caxias prison, reportedly was beaten and confined to an isolation cell for 3 days by guards for complaining that prison authorities had blocked visits by his brother. The guards involved in this case were fired, according to the Ministry of Justice.

Prison conditions remained poor; however, the Directorate General of Prison Services (DGSP) has taken steps to improve them. Prison crowding remains a major problem, but due to higher levels of funding and DGSP-led improvements, the rate of overcrowding went from a 1996 high of 57.5 percent (14,177 prisoners and 8,999 places) to a low of 13.4 percent (12,728 prisoners and 11,221 places) as of September 1.

By year's end, every cell was equipped with proper hygiene facilities. Health problems such as hepatitis and drug dependency nevertheless continued, and prisoners suffer from a high AIDS infection rate. In 1999 the health services director of the Bureau of Prisons reported that 7 out of every 10 convicts entering the prison system were infected with AIDS, Hepatitis B, or Hepatitis C. An estimated 20 percent of the total prison population is infected with AIDS. Tuberculosis was also on the rise. Prison health services, although still not adequately staffed, have benefited from increased spending on health services, the use of local health care providers to help prison inmates, and the construction of new health care facilities in many prisons.

Reports persisted about the mistreatment of prisoners by prison guards, severe overcrowding, poor medical treatment and the spread of contagious diseases, drug addiction, and cold temperatures in winter. Prisoners

alleged that at Linho the warden and other supervisory staff seemed powerless to stop daily beatings of inmates by guards. Prison authorities deny these reports and point to the existence of organized violence among inmates. According to AI, other prisons where brutality by guards was alleged were Pinheiro da Cruz and Angra Heroismo. To help combat brutality by guards, the General Directorate of Prison Services began using resources from AI; all guards participate in mandatory training conducted by AI on such topics as nonviolent control of prisoners and conflict resolution.

An independent ombudsman, chosen by the Parliament, investigates complaints of mistreatment by the police and prison authorities. IGAI also conducts internal investigations in cases of alleged mistreatment. Police officers receive training in human rights and proper investigative procedure. However, NGO's have been critical of the slow pace of police investigations in general and internal investigations by the police in particular.

The Government permits prison visits by human rights monitors. Human rights organizations reported no difficulties in gaining access to inmates at detention facilities.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for protection against arbitrary arrest and detention, and the Government respects its provisions in practice.

Under the law, an investigating judge determines whether an arrested person should be detained, released on bail, or released outright. A person may not be held more than 48 hours without appearing before an investigating judge. Investigative detention is limited to a maximum of 6 months for each suspected crime. If a formal charge is not filed within that period, the detainee must be released. In cases of serious crimes, for example, murder or armed robbery, or of more than one suspect, investigative detention may last for up to 2 years and may be extended by a judge to 3 years in extraordinary circumstances. A suspect in investigative detention must be brought to trial within 18 months of being charged formally. If a suspect is not in detention, there is no specified period for going to trial. A detainee has access to lawyers; the state assumes the cost if necessary.

Exile is illegal and is not practiced.

e. Denial of Fair Public Trial

The judiciary is independent and impartial.

The court system, laid out in the Constitution, consists of a Constitutional Court, a Supreme Court of Justice, and judicial courts of first and second instance. There is also a Supreme Court of Administration, which deals with administrative and tax disputes, and which is supported by lower administrative courts. An audit court is in the Ministry of Finance.

All trials are public except those that may offend the dignity of the victim, such as in cases of sexual abuse of children. The accused is presumed innocent. In trials for serious crimes, a panel of three judges presides. For lesser crimes, a single judge presides. At the request of the accused, a jury may be used in trials for major crimes; in practice, requests for jury trials are extremely rare.

The judicial system provides citizens with a fair legal process. However, frequent critics point to a large backlog of pending trials resulting from inefficient functioning of the courts. A new law passed during the year aims to reduce the case backlog by increasing the number of judges. The bill also has provisions to reduce the time it takes a lawyer to become a judge. Another new law provides for witnesses to testify in cases heard in distant jurisdictions via teleconference. Also the Ministry of Justice announced in November a plan to speed the service of subpoenas. Many factors, from the underutilization of technology (case folders are still sewn closed by a large number of "needlewomen"), to the heretofore confusing and drawn out method of serving subpoenas, to the reluctance of the justice system to change old ways of doing things all contribute to the backlog problem. The extremely slow pace of the judicial process was cited as contributing to a violation of Article 6 of the European Convention on Human Rights in a 1999 report from the European Court of Human Rights (ECHR).

In March the ECHR ordered the Ministry of Justice to pay a fine to three plaintiffs in three separate civil cases. The first case involved two sets of proceedings that lasted nearly 11 years. The second case was not resolved after 7 years, and the third case had continued for 4 1/2 years. In April the ECHR ordered the Ministry of Justice to pay a fine to a corporate plaintiff in a case that had lasted over 17 years without a final resolution. Many similar examples of judicial delay and backlog are reported in the press.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution forbids such practices, and the Government respects these provisions in practice. Violations are subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution (law) provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

In a September freedom of the press case, the ECHR found in favor of Vicente Jorge Silva, a former editor of the center-left daily, *Publico*, in his appeal of a decision of the Constitutional Court. In 1993 he published a scathing editorial highly critical of the policies of a local politician running for public office. The politician sued for "abuse of freedom of the press," but Silva won the case in criminal court. Upon appeal two higher courts found in favor of the politician. The ECHR determined that the Constitutional Court had failed to support the freedom of the press in Silva's case.

b. Freedom of Peaceful Assembly and Association

The law provides for these rights, and the Government respects them in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. The Roman Catholic Church is the dominant religion; it receives tax exemptions and other privileges unavailable to other denominations. Although the overwhelming majority of citizens are Roman Catholic, other religions practice freely.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution and laws provide for these rights, and the Government respects them in practice.

The law provides for granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Persons who qualify as refugees are entitled to residence permits. There were no reports of the forced expulsion of persons with a valid claim to refugee status. However, the Government almost never rules that an asylum seeker has a "valid" claim. Immigration authorities attempt to distinguish among political, humanitarian, and temporary refugees, but the Government continues to maintain that the majority are economic refugees using Portugal as a gateway to the other European Union "Schengen" countries.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections on the basis of universal suffrage. Portugal is a multiparty parliamentary democracy.

Women are underrepresented in government and politics. However, they and minorities have full political rights and participate actively in political life. Women head the Ministries of Health and of Environment. There are 49 female members of the 230-member Parliament. Race is rarely an issue in politics; persons of minority origin have achieved political prominence. Some persons advocate laws mandating female quotas on political party lists, but such legislation has not been passed. Some political parties nevertheless adopted their own internal quotas.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic (and international) human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative, although most groups complain of slow investigations or remedial actions.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution forbids discrimination based on ancestry, sex, language, origin, religion, political or ideological convictions, education, economic situation, or social condition, and the Government enforces these prohibitions.

Women

Domestic and other violence against women is reportedly a common but hidden problem for which few seek legal recourse. According to the first national report on family violence, presented in March 1999, police agencies recorded 2,889 cases of family violence during the period October 1998 through January 1999. Of the 633 family violence crimes reported in January, more than two-thirds involved acts of physical violence and occurred between spouses or partners. Of the victims, 81 percent were women, and 87 percent of the suspects were men.

According to the 1999 statistics of a major NGO providing services to victims of crime, 46 percent of the 4,653 cases it handled involved domestic violence, and in the vast majority of those cases the target of the violence was women. The same NGO agreed with the Governmental Commission for Equality and Women's Rights that the frequency of violent incidents is probably the same, but increased publicity and resources have increased the number of victims who seek help. The law provides for criminal penalties in cases of violence by a spouse, and the judicial system shows no apparent reluctance to prosecute suspects accused of abusing women. Changes to the Penal Code in May granted any interested party the ability to file charges in domestic violence cases. However, traditional societal attitudes still discourage many battered women from recourse to the judicial system.

The toll-free hot line for victims of domestic violence, in service since November 1998, now operates 24 hours a day, 7 days a week. In its first 6 months of operation, approximately 64 percent of the calls related to acts of physical violence, while 30 percent related to psychological concerns. The majority of callers (66 percent) were themselves victims. Women between the ages of 25 and 35 accounted for about 29 percent of the calls, while about 31 percent were women between the ages of 35 and 45. Although calls came from all over the country, the vast majority came from the large urban centers of Lisbon and Porto. These percentages have remained essentially unchanged.

Parliament has continued to address the problem of domestic violence with the passage of several laws in recent years. One provided for the expansion of the system of shelters for victims. Educational campaigns for the public and specialized training for the police also were strengthened. The creation of domestic violence units in the police, and of a new domestic violence category in the Attorney General's report on crime, were mandated by one of the new laws in May. Perpetrators of domestic violence now can be barred from contact with their victims, and in extreme cases, the police can order the immediate expulsion of a perpetrator from the victim's dwelling. The law also calls for the development of new programs to teach anger management to the perpetrators of domestic violence and to assist victims with the professional development necessary to live independent lives.

In August 1999, Parliament passed legislation to establish a national support network and a system of compensation for victims of domestic violence. In May 2000 Parliament changed the legal definition of domestic violence, the net result of which was expected to give police and the courts more leverage to prosecute such cases and remove some of the burden of bringing charges from the victim.

Prostitution is legal, but procurement is not. Trafficking in women for the purposes of forced prostitution continues to be a problem (see Section 5 and 6.f.). Prostitution is linked closely to other types of organized crime, especially international narcotics trafficking. Specific legislation prohibits forced prostitution and trafficking in human beings. The Nest, an NGO, operates economic and social recovery programs for prostitutes.

The Civil Code provides for full legal equality for women. Sexual harassment, a problem that continues to gain public attention, is covered in the Penal Code as a sex crime, but only if perpetrated by a superior and in the

workplace. The penalties are 2 to 3 years' imprisonment. As in the case of domestic violence, socially ingrained attitudes discourage many women from taking advantage of the legal protection available.

The Commission on Equality in the Workplace and in Employment, made up of representatives of the Government, employers' organizations, and labor unions, is empowered to examine, but not adjudicate, complaints of sexual harassment, but it receives few. It does review numerous complaints of discrimination by employers against pregnant workers and new mothers, who are protected by law. Maternity leave was increased in 2000 from 90 days to 120 days with full pay and benefits. Also after return to work a new mother (or father) may take time off every day to nurse or feed an infant. If pregnant or nursing women or new fathers are fired, they may take their complaint to the government Equality Commission (CITE), which was established to deal with equal opportunity complaints. If CITE finds that the employee's legal rights were violated, the employer must reinstate the worker and pay double back pay and benefits for the time at work missed due to the wrongful firing.

Women increasingly are represented in university student bodies, business, science, and the professions. However, a gap remains between male and female salaries: according to the most recent figures available (1997), women earned an average of 77 percent of men's earnings. Women make up the majority of university graduates.

Children

The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. The Government provides 9 years of compulsory, free, and universal education for children through the age of 15. The Government provides free or low cost health care for all children up to the age of 15. A special office in the Directorate General of Health oversees implementation of the Government's programs for children. A 9-year period of education is compulsory. A 1996 study by the European Commission indicated that only 50 percent of children receive preschool education. To counter this problem, the Ministry of Education instituted a pilot project on early childhood education in the Algarve region in 1997. This program proved successful. More teachers were hired, and more new schools were constructed in remote places. Preschool education became free for 5 year olds in 1998 and was scheduled to become free for 3 and 4 year olds by 2001. Each year the number of students enrolled in preschool has increased. In the 1998-99 school year, 207,109 attended; in 1999-2000, the number increased to 218,225; and in the 2000-2001 school year, 230,000 students attended preschool.

The National Children's Rights Commission is charged with implementing the principles of the International Convention on the Rights of the Child. The Commission operates under the aegis of the High Commissioner for the Promotion of Equality and of the Family and includes representatives from the Ministries of Justice, Health, Education, and Solidarity, as well as from leading NGO's. The quasi-independent Institute for the Support of Children organized a network of 48 NGO's dedicated to helping at-risk youth. The University of Minho's Institute for the Study of Children is a research center dedicated solely to the study of children's issues. The Institute for the Support of Children organizes public awareness programs, serves as an information clearinghouse for NGO's working on children's issues and promotes legislation protecting children's rights. It provides telephone and in-person counseling, intervention, and prevention services in cases of child abuse and neglect. It also operates services assisting the at-risk youth known as "criancas da rua"--"street kids."

There is no societal pattern of abuse of children, although child labor remains a problem (see Section 6.d.).

Following the uncovering of a pedophile ring in Madeira in 1997, the Parliament passed a law in 1998 that enlarged the definition of pedophilia to include the consumers of child pornography as well as the producers.

People with Disabilities

There is no discrimination against disabled persons in employment, education, or the provision of other state services. The law mandates access to public buildings for persons with disabilities, and the Government enforces these provisions in practice. However, no such legislation covers private businesses or other facilities.

National/Racial/Ethnic Minorities

The principal minority groups are immigrants, legal and illegal, from Portugal's former African colonies. There is also a resident Romani population of approximately 40,000 persons, who are the subject of some discrimination and violence.

In 1999 the U.N. Committee on the Elimination of Racial Discrimination conducted a periodic review of the Government's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. In its report, the Committee expressed concern about racial discrimination and xenophobia in the country, including violence against blacks, Roma, immigrants, and foreigners--frequently perpetrated by skinheads. While acknowledging efforts by the Government to combat such acts, the Committee urged that the law be extended to prohibit all racist groups. According to an NGO that tracks racist and xenophobic issues, activities by racist groups are increasing, and the police response to such actions tends to be inconsistent.

The law permits victims and antiracism associations to participate in race-related criminal trials by lodging criminal complaints, retaining their own lawyers, and calling witnesses. In 1999 the Parliament approved a new set of antiracism laws, reiterating antidiscrimination sections of the Constitution and the Penal Code. The new laws prohibit and penalize racial discrimination in housing, business, and health services. They also provided for the creation of a new Commission for Equality and Against Racial Discrimination to work alongside the High Commissioner for Immigration and Ethnic Minorities. However, by year's end the new commission had yet to be established.

The growing number undocumented persons who enter the country illegally in order to work is a problem. Recent economic growth has created a need for many workers, especially in the construction and service sectors. These undocumented workers, usually ethnic minorities, are allowed to remain and work but have no access to health care, education, or other social services. Parliament rejected legislation during the year that was intended to bring them into the social services system.

Section 6 Worker Rights

a. The Right of Association

Workers in both the private and public sectors have the right to associate freely and to establish committees in the workplace to defend their interests. The Constitution provides for the right to establish unions by profession or industry. Trade union associations have the right to participate in the preparation of labor legislation. Strikes are permitted by the Constitution for any reason, including political causes; they are common and generally are resolved through direct negotiations. Policemen and members of the armed forces may not strike. The authorities respect all provisions of the law on labor's rights.

Two principal labor federations exist, the Workers' General Union (UGT) and the General Confederation of Portuguese Workers (CGTP). No restrictions limit the formation of additional labor federations. Unions function without hindrance by the Government and are associated closely with political parties.

There are no restrictions on the ability of unions to join federations or of federations to affiliate with international labor bodies.

b. The Right to Organize and Bargain Collectively

Unions are free to organize without interference by the Government or by employers. Collective bargaining is provided for in the Constitution and is practiced extensively in the public and private sectors.

Collective bargaining disputes usually are resolved through negotiation. However, should a long strike occur in an essential sector such as health, energy, or transportation, the Government may order the strikers back to work for a specific period. The Government rarely has invoked this power, in part because most strikes last only 1 to 3 days. The law requires a "minimum level of service" to be provided during strikes in essential sectors, but this requirement is applied infrequently. When it is applied, minimum levels of service are established by agreement between the Government and the striking unions, although unions have complained, including to the International Labor Organization (ILO), that the minimum levels were set too high. When collective bargaining fails, the Government may appoint a mediator at the request of either management or labor.

The law prohibits antiunion discrimination, and the authorities enforce this prohibition in practice. The General Directorate of Labor promptly examines complaints.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced labor, including by children, is prohibited and generally does not occur. Specific legislation prohibits trafficking in persons; however, trafficking in women for the purpose of forced prostitution is a problem (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum working age is 16 years. There are instances of child labor, but the overall incidence is small and is concentrated geographically and sectorally. The greatest problems are reported in Braga, Porto, and Aveiro and tend to occur in the clothing, footwear, construction, and hotel industries. Government agencies have noted a recent gradual shift from child labor in industries to the home, where children work in family businesses. The extensive national network designed to combat child labor is beginning to shift some of its resources in this direction. The Government prohibits forced and bonded child labor and enforces this prohibition effectively (see Section 6.c.).

In 1998 the Government created a commission called Plan for the Elimination of Exploitation of Child Labor (PEETI). Working with several NGO's, PEETI has developed an integrated program of education and training in which local teams of social workers and educators intervene in situations involving dropouts and working children. These teams develop programs of scholastic and vocational study tailored to the individual child and his community. PEETI gives "scholarships" to help offset the loss of income to the family. In the first year of PEETI'S existence, 600 teenagers were involved. The Government also created in 1996 the National Council Against the Exploitation of Child Labor (CNETI), a multiagency body that coordinates government efforts to eliminate child labor. CNETI is the successor to the National Children's Rights Commission CCNCTI.

In a first-of-its-kind study, conducted in conjunction with the ILO in 1998, the Government polled 26,500 families, with separate questionnaires for parents and children, to try to measure the incidence of child labor. According to this survey, as many as 20,000 to 40,000 children under the age of 16 may be engaged in some form of labor. The majority of these cases consist of daily chores on family farms, which do not prevent school attendance. However, the study estimates that as many as 11,000 children may be working for nonfamily employers, a figure that represents 0.2 percent of the labor force. The next comprehensive study of the problem is scheduled for April 2001.

The key enforcement mechanisms of labor laws falls to labor inspectors. Because of an increase in the minimum working age from 15 to 16 in 1997, the total number of child labor cases has increased in the last few years. However, according to the Ministry of Labor and Equality, the incidence of child labor is decreasing as a result of government efforts to combat child labor and a move towards a higher technology industrial base (with a corresponding need for better educated and skilled labor). The Ministry reported a 74 percent decrease in child labor cases from 1997 to 2000. The Minister of Labor attributed this decrease to the extensive reorganization of groups fighting this problem and the effectiveness of new programs being carried out. Portugal's fight against exploitative child labor is no longer limited to inspectors' visits to factories and farms, but includes policies designed to address some of the root causes of this problem.

e. Acceptable Conditions of Work

Minimum wage legislation covers full-time workers as well as rural workers and domestic employees ages 18 years and over. For 2000 the monthly minimum wage was approximately \$284 (63,800 escudos). Along with widespread rent controls, basic food and utility subsidies, and phased implementation of an assured minimum income, the minimum wage affords a basic standard of living for a worker and family. Only 9.2 percent of the work force received the minimum wage.

Employees generally receive 14 months' pay for 11 months' work: the extra 3 months' pay are for a Christmas bonus, a vacation subsidy, and 22 days of annual leave. The maximum legal workday is 8 hours, and the maximum workweek is 40 hours. There is a maximum of 2 hours of paid overtime per day and 200 hours of overtime per year, with a minimum of 12 hours between workdays. The Ministry of Employment and Social Security monitors compliance through its regional inspectors.

Employers legally are responsible for accidents at work and are required by law to carry accident insurance. An existing body of legislation regulates safety and health, but labor unions continue to argue for stiffer laws. The General Directorate of Hygiene and Labor Security develops safety standards in harmony with European Union standards, and the General Labor Inspectorate is responsible for their enforcement. However, the Inspectorate lacks sufficient funds and inspectors to combat the problem of work accidents effectively. Workers injured on the job rarely initiate lawsuits. A relatively large proportion of accidents occurs in the construction industry. Poor environmental controls in textile production also cause considerable concern.

While the ability of workers to remove themselves from situations where these hazards exist is limited, it is

difficult to fire workers for any reason.

f. Trafficking in Persons

Specific legislation prohibits trafficking in persons, which nevertheless is a problem. Under the Penal Code, trafficking in persons is punishable by 2 to 8 years' imprisonment. Parliament passed legislation during the year that established training programs for those who provide services for victims of trafficking. The Commission for Equality and Women's Rights has two working groups, one to oversee the training of social service workers and the other to inform victims of their legal rights; both are providing services.

However, trafficking in women for the purpose of forced prostitution continues to be a problem. International trafficking rings take Portuguese women abroad, often to Spain, and bring foreign women to Portugal. The Portuguese women involved tend to be from poorer areas and are often, but not always, drug users. Women from Brazil and from Lusophone Africa also are involved, as are women from non-Lusophone countries such as Senegal.

Russian mafia organizations are present in the country in increasing numbers, largely as the networks behind the trafficking in Eastern European women. One such network reportedly sells Moldovan and Ukrainian women for the equivalent of around \$4,000 each. The authorities broke up one such ring in 1999 that was headed by a nuclear scientist from the former Soviet Union.

[End.]